

UNITED STATES BANKRUPTCY COURT

OFFICE OF THE CLERK
EASTERN AND WESTERN DISTRICTS OF ARKANSAS
300 WEST 2ND STREET
LITTLE ROCK, ARKANSAS 72201
(501) 918-5500
FAX (501) 918-5520
www.arb.uscourts.gov

Jean Rolfs
Clerk of Court

DIVISIONAL OFFICE:
Federal Bldg., Room 316
35 E. Mountain St.
Fayetteville, AR 72702
(479) 582-9800
FAX (479) 582-9825

Eastern District Bar Advisory Committee Minutes December 9, 2008

In attendance: Chuck Tucker, Jack Gooding, Joyce Babin, Randy Rice, Harry Hurst, Lance Owens, Kyle Havner, Andre Valley, Joe Barrett, Joel Hargis, Phyllis Jones, Steve Joiner, Danyelle Walker, Kent Pray, Whit Light, Kevin Keech, Jean Rolfs, Phil Principe, Karen Waldroff, and Cindy Scaife. Unable to attend: Eric Hance, Michelle Hugg and Robert Gibson.

1. Chuck Tucker, Assistant United States Trustee, made several announcements regarding upcoming changes and programs at the UST office, including new chapter 11 small business forms and rules, the new means test form, reservist act, and monitoring creditor abuse.
2. Jean Rolfs updated the committee regarding the Payment of Filing Fee In Installments discussion from the February 27, 2008 meeting. The Eastern District Bar Advisory Committee, at the February 27, 2008 meeting, had 10 votes to keep the current system in place, three votes to change the system, and one vote of “don’t care.” Following the meetings of both the Eastern and Western District Bar Advisory Committees, the Judges decided to keep the current system in place.
3. Kyle Havner asked a question regarding Chapter 13 cases that are ready for discharge. He wanted to know what attorneys will receive (or not receive) as last warnings that Financial Management and the DSO affidavit have not been completed. Phil Principe responded that the Clerk’s Office Operations Manual states:
*When the Certificate of Final Payment is filed, the event sets a 30-day deadline for the Certification re:DSO form. If, after 30 days, the certification has not been filed for each individual debtor, CA will issue an Order to Show Cause (OSC) why the case should not be closed without discharge. The OSC gives the debtor(s) 15 days to file the Certificate(s) Re: DSO. Once this deadline has passed, if there is no response to the OSC, and no Certification re: DSO filed, and the case is **otherwise ready to close**, CA will proceed to close the case without discharge.*

4. Jean Rolfs reported to the committee that the Court is now sending Social Security Number reports to Trustees on converted cases.
5. Phil Principe reported to the committee that the Court is no longer sending Memorandum of Document Deficiency (MDD) if the case is filed in the incorrect district.

From the Bankruptcy Clerk's Manual:

d. Clerk's Responsibilities with Respect to Venue of Cases

Petitions or pleadings may be filed with the clerk's office relating to matters which are within the court's bankruptcy jurisdiction, but the district in which they are filed does not appear to be the statutorily mandated venue. The clerk, however, should not reject a petition or pleading because of apparent improper venue. Determinations with respect to venue are reserved for the judges alone. If it appears to the clerk from a review of the petition or pleading that there may be a question regarding venue, the clerk may wish to bring the matter to the attention of the judge to whom the case is assigned.

6. Kent Pray and Joyce Babin brought up the issue about Chapter 13 cases ready to be closed without a discharge, and what should be filed, should the Debtor not sign a Waiver of Discharge. Jack Gooding requested that the Clerk's office look into setting up an event in ECF to handle.
7. Randy Rice brought up the problem in ECF when signing in using his Attorney password, and other times using his Trustee password. Karen Waldroff replied that this particular problem in ECF will be solved in ECF Version 3.3, which will be installed the weekend of February 14, 2009.
8. Joel Hargis and Kevin Keech brought up a problem with the Chapter 13 trustee website, which Jack Gooding said he would look into and solve.

9. Randy Rice requested that the Trustee's Final Rpt-Acct-Asset event in ECF include the trustee code of TFR on the pick list, and that the Report of Distribution and Final Accounting Filed by Trustee include the trustee code TDR on the pick list at the end of the event. Cindy Scaife made this change in ECF on 12/9/08.
10. Kent Pray requested that a text box be added to the Motion to Reopen case event in ECF in order to add additional text "Notice of Opportunity to Respond." Cindy Scaife made this change in ECF on 12/9/08.
11. Kevin Keech brought up a problem on the Court's website regarding divisional dates. Karen Waldroff fixed the website posting problem the afternoon of December 9.
12. Phyllis McKenzie brought up the issue of how long files with original signatures need to be maintained in the attorney's office. The Administrative Procedures for Electronically Filed Cases stipulates 3 years for the original signed document. Phyllis requested that the Judges consider decreasing the 3 year requirement for keeping original signed documents because of all the space attorneys need to keep these original files. Other Bar Advisory Committee members advised Phyllis that they keep only the pages with original signatures, not the entire file.

